IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41431 of 2016

Arising Out of PS.Case No. -576 Year- 2016 Thana -SAHARSA District- SAHARSA

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Bhupendra Priyadarshi, Son of Late Brajendra Prasad Sinha Resident of Village- Vidyapati Nagar Ward No. 16, P.S.+District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. Ashwini Kumar, cooperative Extension Officer, Alam Nagar, P.S.- Alam Nagar, Distt- Madhepura.

.... Opposite Parties

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Appearance :
For the Petitioner : Mr. Sharda Nand Mishra, Advocate.
For the Opposite Parties : Mr. Nityanand, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-01-2017 Heard both sides.

The petitioner apprehends his arrest in Saharsa Sadar P.S. Case No. 576 of 2016 registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 504 of the Indian Penal Code.

The informant alleged that she opened different PPF account in her name and in the name of her family member through Bhupendra Priyadarshi, the petitioner, his wife and sons. The petitioner gave passbooks. The informant used to deposit the amount and the petitioner used to receive the amount after putting signature on the receipts in the diary. After maturation of the aforesaid accounts in the year 2015 the petitoner gave only Rs.

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3,39,000/- through different cheques.

Learned counsel for the petitioner submits that the PPF A/C No. 1243716727, PPF A/C No. 1243716734 and PPF A/C No. 1243716741 in the name of Shruti Kumari Tekriwal, Sunil Kumar Tekriwal and Anita Tekriwal were opened on 28.02.2000. The amounts deposited in the aforesaid accounts were entered in the passbooks. The informant, himself, close the PPF account before maturation and the petitioner did not misappropriated any amount. It is further submitted that the informant has already received Rs. 12,39,213/- and there is very likelihood that the petitioner would return the entire amount lying due against the petitioner.

Learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail and submits that the informant deposited about Rs. 18,84,000/- in different PPF account standing in the name of the informant and her family members through the petitioner and his family members. The informant has got receipts of the entire amount deposited in different accounts duly signed by the petitioner and others. It is further submitted that till date the informant received only Rs. 9,88,016/- and the claim of the petitioner that he returned Rs. 12,39,213/- is false. It is further submitted that after deposit of Rs.

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18,84,000/- in different PPF accounts, the informant is entitled to get about Rs. 40 lakhs after maturation but the petitioner made interpolation in passbooks and closed different passbooks without depositing the amount received from the informant and thereby misappropriated huge amount of the informant. It appears from the allegation, itself, that the petitioner being the agent of the post office took money from the informant and his family members in order to deposit the same in different accounts, but instead of depositing the same the petitioner misappropriated the huge amount. The informant came to know only about the facts of misappropriation after maturation of the PPF account that the petitioner did not deposit the money in the accounts of the informant and his family members although he received the same. It appears from the facts, itself, that the petitioner has already paid Rs. Nine lacs and odd and the remaining amount is still lying due.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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